



**Federal Communications Commission  
Washington, D.C. 20554**

February 6, 2014

**DA 14-145**

*In Reply Refer To:*  
1800B3-PPD

Mr. Eric Huang  
Chinese Culture and Art Heritage Foundation  
1654 46<sup>th</sup> Avenue  
San Francisco, CA 94122

In Re: **Application for Construction Permit  
for a Low Power Broadcast FM  
Station**

New-LP, San Francisco, CA  
Facility ID Number: 92984  
Chinese Culture and Art Heritage  
Foundation  
File Numbers: BNPL-20140130ADE  
and BNPL-20140130ADK

Dear Mr. Huang:

This letter concerns the Chinese Culture and Art Heritage Foundation's ("CCAHF") Form 318 application for a construction permit for a low power broadcast FM ("LPFM") station in San Francisco, CA, File No. BNPL-20140130ADE ("LPFM Application") and CCAHF's amended Form 318 application, BNPL-20140130ADK ("Amendment"). For the reasons discussed below, the Media Bureau ("Bureau") will accept the LPFM Application as timely filed, but will return the Amendment.

Following the close of the LPFM window on November, 15, 2013,<sup>1</sup> CCAHF contacted the Bureau to request the acceptance of the LPFM Application and Amendment. CCAHF contends that it had successfully filed an application on November 14, 2013 ("November Application"). It also claims that it attempted to amend the November Application on November 15, 2013, by first deleting the November Application and then creating and filing a replacement application ("Amended Application") which incorporated the amendment. CCAHF was unable to complete and file the Amended Application prior to the close of the LPFM window.

The Bureau's internal Consolidated Database System's ("CDBS") records confirm that the Bureau timely received the November Application.<sup>2</sup> The Bureau has also confirmed that due to CDBS limitations, the November Application could not be routinely amended on November 15, 2013. In these circumstances, CCAHF's only option for amending the November Application on the last day of the LPFM window was to create and file a replacement application and delete the November Application.

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<sup>1</sup> See *Media Bureau Extends Low Power FM Filing Window*, Public Notice, 28 FCC Rcd 15763 (2013).

<sup>2</sup> According to the Bureau's CDBS records, the November Application was assigned the file number 20131114BQQ.

Because there is clear evidence the November Application had been timely filed, the Bureau accepted the LPFM Application on January 30, 2014.<sup>3</sup>

However, there is no evidence that the Amendment, which the Bureau also provisionally accepted on January 30, 2014, was timely filed. Accordingly, the Amendment will be returned. We note, though, under the rules, LPFM applicants are now allowed to file minor amendments to their Form 318 applications.<sup>4</sup> Accordingly, CCAHF may resubmit the Amendment, but CCAHF may not rely on any post-window amendment to improve its comparative qualifications.<sup>5</sup>

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

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<sup>3</sup> The LPFM Application will be reassigned its original file number in the near future.

<sup>4</sup> See *Media Bureau Provides Further Guidance on the Processing of Form 318 Applications Filed in the LPFM Window*, Public Notice, 28 FCC Rcd 16366 (2013).

<sup>5</sup> See Instructions for FCC Form 318, Section IIIA.